



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352-5284
(208) 732-7200



In Reply Refer To:
2870/IDI-36169 (IDT030) P

September 13, 2016

CERTIFIED MAIL—
RETURN RECEIPT REQUESTED

DECISION

James Grant	:	Right-of-Way Grant
1934 E. 400 S.	:	IDI-36169
Hazelton, ID 83335	:	
	:	

Right-of-Way IDI-36169 Issued
Monitoring Fee Determined

The Bureau of Land Management (BLM) Shoshone Field Office has approved an application from James Grant for a right-of-way grant to authorize an existing stock water pipeline on public lands in Jerome County, Idaho. The right-of-way grant authorizes the operation, maintenance, and termination of the stock water pipeline beginning and terminating on private property. The portion of the stock water pipeline on public lands being authorized by this right-of-way grant is approximately 1,766 feet long, 10 feet wide, and contains 0.4 acres, more or less. A legal description identifying the location of the right-of-way area and the rights granted is provided in the enclosed right-of-way grant.

Based on a review of the right-of-way proposal and categorical exclusion (CX) it has been determined that the proposed action would not result in unnecessary or undue environmental degradation and is in conformance with the applicable land use plan. It is the decision of the authorized officer to grant James Grant a right-of-way across public lands pursuant to the authority of Section 302(b) of the Federal Land Policy and Management Act. Enclosed is a copy of the executed right-of-way grant, serial number IDI-36169.

It has been determined that a CX is appropriate in this situation because there are no extraordinary circumstances having effects that may significantly affect the environment. The CX (DOI-BLM-ID-T030-2011-0010-CX) describing the right-of-way is available at the BLM's e-planning website (https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do) or by contacting the Shoshone Field Office.

Right-of-way holders must pay a fee to BLM for the costs that will be incurred from monitoring the operation and maintenance of the authorized use. These fees are categorized according to the number of work hours necessary to monitor the grant, and are not refundable. It has been determined that the appropriate Monitoring Category for this grant is Category 3, which requires a fee of \$806.00; the BLM has received this fee.

Rent for use of public lands must be paid in advance of such use and prior to issuance of the right-of-way grant. The BLM has received an advance rent payment through December 31, 2016. The right-of-way holder will continue to be billed for the use of public lands as future payments become due.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, the notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact Kasey Prestwich, Realty Specialist, at (208) 732-7204 or via email at kprestwich@blm.gov.

Sincerely,

/s/ Codie Martin

Codie Martin
Field Manager

2 Enclosures:

- 1- Executed ROW Grant, IDI-36169 (8 pp)
- 2- Form 1842-1 (2 pp)